



General Assembly

February Session, 2020

Raised Bill No. 403

LCO No. 2652



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING THE BOARD OF PARDONS AND PAROLES,
ERASURE OF CRIMINAL RECORDS FOR CERTAIN MISDEMEANOR
AND FELONY OFFENSES AND PROHIBITING DISCRIMINATION
BASED ON ERASED CRIMINAL HISTORY RECORD INFORMATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (l) of section 54-124a of the 2020 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2020*):

4 (l) The chairperson and executive director shall establish:

5 (1) In consultation with the Department of Correction, a parole
6 orientation program for all parole-eligible inmates upon their transfer
7 to the custody of the Commissioner of Correction that will provide
8 general information on the laws and policies regarding parole release,
9 calculation of time-served standards, general conditions of release,
10 supervision practices, revocation and rescission policies, and
11 procedures for administrative review and panel hearings, and any other
12 information that the board deems relevant for preparing inmates for
13 parole;

14 (2) An incremental sanctions system for parole violations including,
15 but not limited to, reincarceration based on the type, severity and
16 frequency of the violation and specific periods of incarceration for
17 certain types of violations; [and]

18 (3) A formal training program for members of the board and parole
19 officers, to be completed annually by each member, that shall include,
20 but not be limited to, an overview of the criminal justice system, the
21 parole system including factors to be considered in granting parole,
22 victim rights and services, reentry strategies, risk assessment, case
23 management and mental health issues; [. Each member shall complete
24 such training annually.] and

25 (4) A formal training program to be completed annually by each
26 member of the board on the pardons process, including information
27 concerning collateral consequences a person with a criminal record may
28 face due to having a criminal record, such as when applying for housing
29 or employment.

30 Sec. 2. Section 54-130a of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2020*):

32 (a) Jurisdiction over the granting of, and the authority to grant,
33 commutations of punishment or releases, conditioned or absolute, in the
34 case of any person convicted of any offense against the state and
35 commutations from the penalty of death shall be vested in the Board of
36 Pardons and Paroles.

37 (b) The board shall have authority to grant pardons, conditioned,
38 provisional or absolute, or certificates of rehabilitation for any offense
39 against the state at any time after the imposition and before or after the
40 service of any sentence.

41 (c) The board may accept an application for a pardon three years after
42 an applicant's conviction of a misdemeanor or violation and five years
43 after an applicant's conviction of a felony, except that the board, upon a

44 finding of extraordinary circumstances, may accept an application for a
45 pardon prior to such dates.

46 (d) Whenever the board grants an absolute pardon to any person, the
47 board shall cause notification of such pardon to be made in writing to
48 the clerk of the court in which such person was convicted, or the Office
49 of the Chief Court Administrator if such person was convicted in the
50 Court of Common Pleas, the Circuit Court, a municipal court, or a trial
51 justice court.

52 (e) Whenever the board grants a provisional pardon or a certificate of
53 rehabilitation to any person, the board shall cause notification of such
54 provisional pardon or certificate of rehabilitation to be made in writing
55 to the clerk of the court in which such person was convicted. The
56 granting of a provisional pardon or a certificate of rehabilitation does
57 not entitle such person to erasure of the record of the conviction of the
58 offense or relieve such person from disclosing the existence of such
59 conviction as may be required.

60 (f) In the case of any person convicted of a violation for which a
61 sentence to a term of imprisonment may be imposed, the board shall
62 have authority to grant a pardon, conditioned, provisional or absolute,
63 or a certificate of rehabilitation in the same manner as in the case of any
64 person convicted of an offense against the state.

65 (g) The board shall not deny any application for a pardon, unless the
66 board provides a statement in writing to the applicant of the factors
67 considered when determining whether the applicant qualified for the
68 pardon and an explanation as to which factors were not satisfied.

69 Sec. 3. Section 54-142a of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective October 1, 2021*):

71 (a) Whenever in any criminal case, on or after October 1, 1969, the
72 accused, by a final judgment, is found not guilty of the charge or the
73 charge is dismissed, all police and court records and records of any

74 state's attorney pertaining to such charge shall be erased upon the
75 expiration of the time to file a writ of error or take an appeal, if an appeal
76 is not taken, or upon final determination of the appeal sustaining a
77 finding of not guilty or a dismissal, if an appeal is taken. Nothing in this
78 subsection shall require the erasure of any record pertaining to a charge
79 for which the defendant was found not guilty by reason of mental
80 disease or defect or guilty but not criminally responsible by reason of
81 mental disease or defect.

82 (b) Whenever in any criminal case prior to October 1, 1969, the
83 accused, by a final judgment, was found not guilty of the charge or the
84 charge was dismissed, all police and court records and records of the
85 state's or prosecuting attorney or the prosecuting grand juror pertaining
86 to such charge shall be erased by operation of law and the clerk or any
87 person charged with the retention and control of such records shall not
88 disclose to anyone their existence or any information pertaining to any
89 charge so erased; provided nothing in this subsection shall prohibit the
90 arrested person or any one of his heirs from filing a petition for erasure
91 with the court granting such not guilty judgment or dismissal, or, where
92 the matter had been before a municipal court, a trial justice, the Circuit
93 Court or the Court of Common Pleas [with the records center of the
94 Judicial Department] in the Superior Court where venue would exist for
95 criminal prosecution and thereupon all police and court records and
96 records of the state's attorney, prosecuting attorney or prosecuting
97 grand juror pertaining to such charge shall be erased. Nothing in this
98 subsection shall require the erasure of any record pertaining to a charge
99 for which the defendant was found not guilty by reason of mental
100 disease or defect.

101 (c) (1) Whenever any charge in a criminal case has been nolle in the
102 Superior Court, or in the Court of Common Pleas, if at least thirteen
103 months have elapsed since such nolle, all police and court records and
104 records of the state's or prosecuting attorney or the prosecuting grand
105 juror pertaining to such charge shall be erased, except that in cases of
106 nolle entered in the Superior Court, Court of Common Pleas, Circuit

107 Court, municipal court or by a justice of the peace prior to April 1, 1972,
108 such records shall be deemed erased by operation of law and the clerk
109 or the person charged with the retention and control of such records
110 shall not disclose to anyone their existence or any information
111 pertaining to any charge so erased, provided nothing in this subsection
112 shall prohibit the arrested person or any one of his heirs from filing a
113 petition to the court [or to the records center of the Judicial Department,
114 as the case may be,] to have such records erased, in which case such
115 records shall be erased.

116 (2) Whenever any charge in a criminal case has been continued at the
117 request of the prosecuting attorney, and a period of thirteen months has
118 elapsed since the granting of such continuance during which period
119 there has been no prosecution or other disposition of the matter, the
120 charge shall be nolledd upon motion of the arrested person and such
121 erasure may thereafter be effected or a petition filed therefor, as the case
122 may be, as provided in this subsection for nolledd cases.

123 (d) (1) Whenever prior to October 1, 1974, any person who has been
124 convicted of an offense in any court of this state has received an absolute
125 pardon for such offense, such person or any one of his heirs may, at any
126 time subsequent to such pardon, file a petition with the [superior court]
127 Superior Court at the location in which such conviction was effected, or
128 with the [superior court] Superior Court at the location having custody
129 of the records of such conviction or [with the records center of the
130 Judicial Department] if such conviction was in the Court of Common
131 Pleas, Circuit Court, municipal court or by a trial justice court, in the
132 Superior Court where venue would exist for criminal prosecution, for
133 an order of erasure, and the Superior Court [or records center of the
134 Judicial Department] shall direct all police and court records and
135 records of the state's or prosecuting attorney pertaining to such [case to]
136 offense be erased.

137 (2) Whenever such absolute pardon was received on or after October
138 1, 1974, such records shall be erased.

139 (e) (1) Except as provided in subdivision (4) or (7) of this subsection,
140 whenever any person has been convicted in any court of this state of a
141 classified or unclassified misdemeanor, or a class C, D or E felony or an
142 unclassified felony offense carrying a term of imprisonment of not more
143 than ten years, all police and court records and records of the state's or
144 prosecuting attorney or the prosecuting grand juror pertaining to such
145 conviction shall be erased, or in the case of a felony conviction,
146 provisionally erased under subparagraph (B) of subdivision (2) of this
147 subsection or subparagraph (B) of subdivision (3) of this subsection: (A)
148 At such time as provided in subdivision (2) of this subsection, or (B)
149 following a petition by the convicted person, as provided in subdivision
150 (3) of this subsection.

151 (2) (A) In the case of a misdemeanor offense, such records described
152 in subdivision (1) of this subsection shall be erased by operation of law
153 seven years from the date on which the convicted person's most recent
154 conviction was adjudicated.

155 (B) (i) In the case of a class C, D or E felony or an unclassified felony
156 offense carrying a term of imprisonment of not more than ten years,
157 such records described in subdivision (1) of this subsection shall be
158 provisionally erased by operation of law as provided in clause (ii) of this
159 subparagraph, twelve years from the date on which the convicted
160 person's most recent conviction was adjudicated.

161 (ii) Any records provisionally erased pursuant to this subparagraph
162 or subparagraph (B) of subdivision (3) of this subsection shall be erased
163 pursuant to this section, except that such records shall remain accessible
164 by law enforcement agencies for two years following such erasure. If the
165 convicted person is not convicted of a further offense during such two-
166 year period and there are no charges pending against such person and
167 such person is not a defendant in an open criminal case in any
168 jurisdiction, all such records described in subdivision (1) of this
169 subsection shall be erased by operation of law and shall no longer be
170 accessible by law enforcement agencies. If after such two-year period,

171 there are charges pending against the convicted person or such person
172 is a defendant in an open criminal case in any jurisdiction, such records
173 shall remain accessible by law enforcement agencies until such time as
174 there are no charges pending against such person and such person is no
175 longer a defendant in an open criminal case in any jurisdiction. If such
176 person is convicted of an offense during such two-year period or
177 convicted of such charges or as a defendant in such criminal case, all
178 records described in subdivision (1) of this subsection shall be
179 reinstated. From the point of such reinstatement and after a period of
180 time set forth in clause (i) of this subparagraph or subparagraph (B) of
181 subdivision (3) of this subsection, such reinstated records may be erased
182 in accordance with said subparagraph, as applicable.

183 (3) (A) In the case of a misdemeanor offense, a convicted person may
184 file a petition with the Superior Court at the location in which the most
185 recent misdemeanor conviction was effected, or with the Superior Court
186 at the location having custody of the records of such conviction or if such
187 conviction was in the Court of Common Pleas, Circuit Court, municipal
188 court or by a trial justice court, in the Superior Court where venue
189 would exist for criminal prosecution, for an order of erasure, and if such
190 petition is in order and three years have elapsed from the date on which
191 the convicted person completed any sentence imposed as a result of
192 such person's most recent misdemeanor conviction, the Superior Court
193 shall issue such order of erasure and direct all records described in
194 subdivision (1) of this subsection of the state's or prosecuting attorney
195 pertaining to each such misdemeanor offense to be erased.

196 (B) In the case of a class C, D or E felony or an unclassified felony
197 offense carrying a term of imprisonment of not more than ten years, a
198 convicted person may file a petition with the Superior Court at the
199 location in which the most recent class C, D or E felony or an unclassified
200 felony conviction was effected, or with the Superior Court at the location
201 having custody of the records of such conviction or if such conviction
202 was in the Court of Common Pleas, Circuit Court, municipal court or by
203 a trial justice court, in the Superior Court where venue would exist for

204 criminal prosecution, for an order of erasure, and if such petition is in
205 order and five years have elapsed from the date on which the convicted
206 person completed any sentence imposed as a result of such person's
207 most recent class C, D or E felony or an unclassified felony conviction,
208 the Superior Court shall issue an order of provisional erasure and direct
209 all records described in subdivision (1) of this subsection of the state's
210 or prosecuting attorney pertaining to each such class C, D or E felony or
211 an unclassified felony offense to be provisionally erased in accordance
212 with subparagraph (B)(ii) of subdivision (2) of this subsection.

213 (4) Convictions for the following offenses shall not be eligible for
214 erasure pursuant to this subsection:

215 (A) Any family violence crime, as defined in section 46b-38a; or

216 (B) Any offense that is a nonviolent sexual offense or a sexually
217 violent offense, each as defined in section 54-250.

218 (5) Notice of the erasure shall immediately be sent to all persons,
219 agencies, officials or institutions known to have information pertaining
220 to the criminal history record information. Reasonable efforts shall be
221 made to send notice of the erasure to the individual whose records have
222 been erased not later than thirty calendar days after such erasure.

223 (6) If an individual has been convicted of an offense in any court in
224 this state and such offense has been decriminalized subsequent to the
225 date of such conviction, such conviction shall not be considered when
226 evaluating such individual's criminal history record information for the
227 purposes of this subsection.

228 (7) Erasure under this subsection shall not occur in the case of any
229 individual who has pending charges or an open criminal case in any
230 jurisdiction.

231 (8) Nothing in this subsection shall limit any other procedure for
232 erasure of criminal history record information, as defined in section 54-

233 142g, as amended by this act, or prohibit a person from participating in
234 any such procedure, even if such person's electronically stored criminal
235 history record information has been erased pursuant to this section.

236 (f) (1) Whenever a person was convicted of one or more
237 misdemeanors committed while such person was under eighteen years
238 of age, and the offense or offenses occurred on or after January 1, 1999,
239 and before July 1, 2012, all police and court records and records of the
240 state's or prosecuting attorney shall be deemed erased by operation of
241 law. This subdivision shall not apply to a motor vehicle offense, a
242 violation under title 14 or a violation of section 51-164r. The clerk of the
243 court or any law enforcement agency having information contained in
244 such erased records shall not disclose to anyone, except the subject of
245 the record, upon submission pursuant to guidelines prescribed by the
246 Office of the Chief Court Administrator of satisfactory proof of the
247 subject's identity, information pertaining to any charge erased under
248 this subdivision and such clerk shall forward a notice of such erasure to
249 any law enforcement agency and the state's or prosecuting attorney to
250 which he or she knows information concerning the arrest has been
251 disseminated directing that all law enforcement and records of the
252 state's or prosecuting attorney pertaining to such case to be erased.

253 (2) Whenever a person was convicted of one or more misdemeanors
254 committed while such person was under eighteen years of age, and the
255 offense or offenses occurred before January 1, 1999, such person may file
256 a petition with the Superior Court at the location in which such
257 conviction was effected for an order of erasure, and the Superior Court
258 shall direct all police and court records and records of the state's or
259 prosecuting attorney pertaining to such case to be erased.

260 (3) Notwithstanding subsection (i) of this section, the provisions of
261 this subsection shall not apply in cases in which there has been
262 conviction of any charge for which erasure would not apply arising
263 from the same information as any erased conviction.

264 [(e)] (g) (1) The clerk of the court [or any person charged with
265 retention and control of such records in the records center of the Judicial
266 Department] or any law enforcement agency having information
267 contained in such erased records shall not disclose to anyone, except the
268 subject of the record, upon submission pursuant to guidelines
269 prescribed by the Office of the Chief Court Administrator of satisfactory
270 proof of the subject's identity, information pertaining to any charge
271 erased under any provision of this section and such clerk or person
272 charged with the retention and control of such records shall forward a
273 notice of such erasure to any law enforcement agency to which he
274 knows information concerning the arrest has been disseminated and
275 such disseminated information shall be erased from the records of such
276 law enforcement agency. Such clerk or such person, as the case may be,
277 shall provide adequate security measures to safeguard against
278 unauthorized access to or dissemination of such records or upon the
279 request of the accused cause the actual physical destruction of such
280 records, except that such clerk or such person shall not cause the actual
281 physical destruction of such records until three years have elapsed from
282 the date of the final disposition of the criminal case to which such
283 records pertain.

284 [(2) No fee shall be charged in any court with respect to any petition
285 under this section.]

286 [(3)] (2) Any person who shall have been the subject of such an
287 erasure shall be deemed to have never been arrested within the meaning
288 of the general statutes with respect to the proceedings so erased and
289 may so swear under oath.

290 [(f)] (h) Upon motion properly brought, the court or a judge of such
291 court, if such court is not in session, shall order disclosure of such
292 records (1) to a defendant in an action for false arrest arising out of the
293 proceedings so erased, or (2) to the prosecuting attorney and defense
294 counsel in connection with any perjury charges which the prosecutor
295 alleges may have arisen from the testimony elicited during the trial, or

296 any false statement charges, or any proceeding held pursuant to section
297 53a-40b, or (3) counsel for the petitioner and the respondent in
298 connection with any habeas corpus or other collateral civil action in
299 which evidence pertaining to a nolle or dismissed criminal charge may
300 become relevant. Such disclosure of such records is subject also to any
301 records destruction program pursuant to which the records may have
302 been destroyed. The jury charge in connection with erased offenses may
303 be ordered by the judge for use by the judiciary, provided the names of
304 the accused and the witnesses are omitted therefrom.

305 [(g)] (i) The provisions of this section shall not apply to any police or
306 court records or the records of any state's attorney or prosecuting
307 attorney with respect to any information or indictment containing more
308 than one count (1) while the criminal case is pending, or (2) when the
309 criminal case is disposed of unless and until all counts are entitled to
310 erasure in accordance with the provisions of this section, except that
311 when the criminal case is disposed of, electronic records or portions of
312 electronic records released to the public that reference a charge that
313 would otherwise be entitled to erasure under this section shall be erased
314 in accordance with the provisions of this section. Nothing in this section
315 shall require the erasure of any information contained in the registry of
316 protective orders established pursuant to section 51-5c. For the purposes
317 of this subsection, "electronic record" means any police or court record
318 or the record of any state's attorney or prosecuting attorney that is an
319 electronic record, as defined in section 1-267, or a computer printout.

320 (j) No fee shall be charged in any court with respect to any petition
321 under this section.

322 [(h)] (k) For the purposes of this [section] chapter, "court records"
323 shall not include a record or transcript of the proceedings made or
324 prepared by an official court reporter, assistant court reporter or
325 monitor.

326 Sec. 4. Section 54-142d of the general statutes is repealed and the

327 following is substituted in lieu thereof (*Effective October 1, 2020*):

328 Whenever any person has been convicted of an offense in any court
329 in this state and such offense has been decriminalized subsequent to the
330 date of such conviction, such person may file a petition with the superior
331 court at the location in which such conviction was effected, or with the
332 superior court at the location having custody of the records of such
333 conviction [or with the records center of the Judicial Department] if
334 such conviction was in the Court of Common Pleas, Circuit Court,
335 municipal court or by a trial justice, in the Superior Court where venue
336 would currently exist for criminal prosecution, for an order of erasure,
337 and the Superior Court or records center of the Judicial Department
338 shall immediately direct all police and court records and records of the
339 state's or prosecuting attorney pertaining to such [case] offense to be
340 physically destroyed.

341 Sec. 5. (NEW) (*Effective October 1, 2021*) (a) The Department of
342 Emergency Services and Public Protection, in consultation with the
343 Judicial Branch and the Criminal Justice Information System Governing
344 Board established pursuant to section 54-142q of the general statutes,
345 shall develop and implement automated processes for erasure pursuant
346 to section 54-142a of the general statutes, as amended by this act.

347 (b) The department shall make reasonable efforts to disseminate
348 information, including posting information on its Internet web site,
349 regarding records that are subject to erasure under the provisions of this
350 section.

351 (c) Nothing in this section shall be construed to require the
352 destruction of paper records.

353 Sec. 6. Section 54-142e of the general statutes is repealed and the
354 following is substituted in lieu thereof (*Effective October 1, 2020*):

355 (a) Notwithstanding the provisions of subsection [(e)] (g) of section
356 54-142a, as amended by this act, and section 54-142c, with respect to any

357 person, including, but not limited to, a consumer reporting agency as
 358 defined in subsection (i) of section 31-51i, as amended by this act, that
 359 purchases criminal matters of public record, as defined in said
 360 subsection (i), from [the Judicial Department] any criminal justice
 361 agency pursuant to subsection (b) of section 54-142g, as amended by this
 362 act, the department shall make available to such person information
 363 concerning such criminal matters of public record that have been erased
 364 pursuant to section 54-142a, as amended by this act. Such information
 365 may include docket numbers or other information that permits the
 366 person to identify and permanently delete records that have been erased
 367 pursuant to section 54-142a, as amended by this act.

368 (b) Each person, including, but not limited to, a consumer reporting
 369 agency, that has purchased records of criminal matters of public record
 370 from [the Judicial Department] or any criminal justice agency shall,
 371 prior to disclosing such records, (1) purchase from [the Judicial
 372 Department] or any criminal justice agency, on a monthly basis or on
 373 such other schedule as [the Judicial Department] or any criminal justice
 374 agency may establish, any updated criminal matters of public record or
 375 information available for the purpose of complying with this section,
 376 and (2) update its records of criminal matters of public record to
 377 permanently delete such erased records. Such person shall not further
 378 disclose such erased records.

379 Sec. 7. Subsection (c) of section 29-11 of the general statutes is
 380 repealed and the following is substituted in lieu thereof (*Effective July 1,*
 381 *2020*):

382 (c) (1) The Commissioner of Emergency Services and Public
 383 Protection shall charge the following fees for the service indicated: [(1)]
 384 (A) Name search, thirty-six dollars; [(2)] (B) fingerprint search, seventy-
 385 five dollars; [(3)] (C) personal record search, seventy-five dollars; [(4)]
 386 (D) letters of good conduct search, seventy-five dollars; [(5)] (E) bar
 387 association search, seventy-five dollars; [(6)] (F) fingerprinting, fifteen
 388 dollars; [(7)] (G) criminal history record information search, seventy-five

389 dollars. Except as provided in subsection (b) of this section, the
390 provisions of this subsection shall not apply to any federal, state or
391 municipal agency.

392 (2) The commissioner may waive fees imposed under subparagraph
393 (G) of subdivision (1) of this subsection for any applicant requesting a
394 criminal history record information search for the purpose of applying
395 for a pardon authorized pursuant to section 54-124a, as amended by this
396 act, provided such applicant completes a form prescribed by the
397 Department of Emergency Services and Public Protection representing
398 such person's indigency.

399 Sec. 8. Section 18-82 of the general statutes is repealed and the
400 following is substituted in lieu thereof (*Effective from passage*):

401 The Commissioner of Correction shall appoint and may remove the
402 following administrators, all of whom shall serve at the pleasure of the
403 commissioner and shall be exempt from the classified service: All
404 correctional wardens, including any warden with oversight of a district,
405 a correctional institution, parole and community services, population
406 management, programs and treatment, security and academy training
407 or staff development. Such wardens shall possess skill and experience
408 in correctional administration. The commissioner may designate a
409 deputy warden to serve as director of reentry services.

410 Sec. 9. (NEW) (*Effective July 1, 2020*) (a) There is established a reentry
411 employment advisory committee that shall advise the Commissioner of
412 Correction on alignment of education and job training programs offered
413 by the Department of Correction with the needs of employers in the
414 community, including, but not limited to (1) the vocational education
415 curricula used by Unified School District #1, established under section
416 18-99a of the general statutes, (2) the types of licenses and certifications
417 that employers are looking for in job applicants, (3) the availability of
418 apprenticeships for incarcerated and formerly incarcerated individuals
419 in the community, and (4) the types of products and services that should

420 be offered by institution industries established and maintained
421 pursuant to section 18-88 of the general statutes.

422 (b) (1) The reentry employment advisory committee shall consist of:

423 (A) The Commissioner of Correction, or the commissioner's designee;

424 (B) The superintendent of Unified School District #1;

425 (C) The superintendent of institution industries within the
426 Department of Correction; and

427 (D) One representative appointed by the Commissioner of Correction
428 from each of the following:

429 (i) An association representing businesses and industries in this state;

430 (ii) An association representing construction industries in this state;

431 (iii) The state affiliate of a national organization representing human
432 resource professionals;

433 (iv) A state council of building and construction trades;

434 (v) The Technical Education and Career System established pursuant
435 to section 10-95 of the general statutes; and

436 (vi) A regional workforce development board established pursuant
437 to section 31-3k of the general statutes.

438 (2) In addition to the membership provided for under subdivision (1)
439 of this subsection, the Commissioner of Correction may appoint up to
440 three additional members.

441 (c) The Commissioner of Correction shall appoint a chairperson from
442 amongst the membership of the reentry employment advisory
443 committee. The committee shall meet not fewer than two times per year,
444 and at such other times as the committee deems necessary.

445 Sec. 10. Subsection (a) of section 54-142e of the general statutes is
446 repealed and the following is substituted in lieu thereof (*Effective October*
447 *1, 2021*):

448 (a) Notwithstanding the provisions of subsection [(e)] (g) of section
449 54-142a, as amended by this act, and section 54-142c, with respect to any
450 person, including, but not limited to, a consumer reporting agency as
451 defined in subsection (i) of section 31-51i, as amended by this act, that
452 purchases criminal matters of public record, as defined in said
453 subsection (i), from the Judicial Department, the department shall make
454 available to such person information concerning such criminal matters
455 of public record that have been erased pursuant to section 54-142a, as
456 amended by this act. Such information may include docket numbers or
457 other information that permits the person to identify and permanently
458 delete records that have been erased pursuant to section 54-142a, as
459 amended by this act.

460 Sec. 11. Subsection (d) of section 54-142k of the general statutes is
461 repealed and the following is substituted in lieu thereof (*Effective October*
462 *1, 2021*):

463 (d) Nonconviction information shall be available to the subject of the
464 information and to the subject's attorney pursuant to this subsection and
465 subsection (e) of this section. Any person shall, upon satisfactory proof
466 of the person's identity, be entitled to inspect, for purposes of
467 verification and correction, any nonconviction information relating to
468 the person and upon the person's request shall be given a computer
469 printout or photocopy of such information for which a reasonable fee
470 may be charged, provided no erased record may be released except as
471 provided in subsection [(f)] (h) of section 54-142a, as amended by this
472 act. Before releasing any exact reproductions of nonconviction
473 information to the subject of the information, the agency holding such
474 information may remove all personal identifying information from such
475 reproductions.

476 Sec. 12. (NEW) (*Effective October 1, 2020*) For purposes of this section,
477 sections 14, 15 and 19 to 27, inclusive, of this act and section 29 of this
478 act, sections 8-265c and 8-315 of the general statutes, as amended by this
479 act, subsection (b) of section 10a-6 of the general statutes, as amended
480 by this act, and sections 31-51i, 38a-358, 38a-447, 46a-74, 46a-79, 46a-80
481 and 46a-81 of the general statutes, as amended by this act:

482 (1) "Commission" means the Commission on Human Rights and
483 Opportunities created by section 46a-52 of the general statutes;

484 (2) "Criminal history record information" means court records and
485 information obtained from the Judicial Department relating to arrests,
486 releases, detentions, indictments, informations or other formal criminal
487 charges or any events and outcomes arising from those arrests, releases,
488 detentions, including pleas, trials, sentences, appeals, incarcerations,
489 correctional supervision, paroles and releases, outstanding judgments
490 and any other conviction information, as defined in section 54-142g of
491 the general statutes, as amended by this act;

492 (3) "Employer" includes the state and all political subdivisions of the
493 state and means any person or employer with one or more persons in
494 such person's or employer's employ;

495 (4) "Erased criminal history record information" means (A) criminal
496 history record information that has been erased pursuant to section 54-
497 142a of the general statutes, as amended by this act, or 54-760 of the
498 general statutes, or any other provision of the general statutes or other
499 operation of law; (B) information relating to persons granted youthful
500 offender status pursuant to section 46b-146 of the general statutes; and
501 (C) continuances of a criminal case that are more than thirteen months
502 old; and

503 (5) "Place of public accommodation, resort or amusement" means any
504 establishment that caters or offers its services or facilities or goods to the
505 general public, including, but not limited to, any commercial property
506 or building lot on which it is intended that a commercial building will

507 be constructed or offered for sale or rent.

508 Sec. 13. Subdivisions (7) and (8) of section 46a-51 of the 2020
509 supplement to the general statutes are repealed and the following is
510 substituted in lieu thereof (*Effective October 1, 2020*):

511 (7) "Discriminatory employment practice" means any discriminatory
512 practice specified in subsection (b), (d), (e) or (f) of section 31-51i, as
513 amended by this act, or section 46a-60 or 46a-81c or section 20 of this act;

514 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-
515 60a, 4a-60g, 31-40y, subsection (b) of section 31-51i, as amended by this
516 act, subsection (d), (e) or (f) of section 31-51i, as amended by this act,
517 subparagraph (C) of subdivision (15) of section 46a-54, subdivisions (16)
518 and (17) of section 46a-54, section 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c,
519 46a-66, 46a-68, 46a-68c to 46a-68f, inclusive, or 46a-70 to 46a-78,
520 inclusive, subsection (a) of section 46a-80, as amended by this act, or
521 sections 46a-81b to 46a-81o, inclusive;

522 Sec. 14. (NEW) (*Effective October 1, 2020*) It shall be a discriminatory
523 practice under subdivision (8) of section 46a-51 of the general statutes,
524 as amended by this act, for any person to subject, or cause to be
525 subjected, any other person to the deprivation of any rights, privileges
526 or immunities, secured or protected by the Constitution or laws of this
527 state or of the United States, on account of a person's erased criminal
528 history record information.

529 Sec. 15. (NEW) (*Effective October 1, 2020*) (a) It shall be a
530 discriminatory practice under subdivision (8) of section 46a-51 of the
531 general statutes, as amended by this act:

532 (1) To refuse to sell or rent after the making of a bona fide offer, or to
533 refuse to negotiate for the sale or rental of, or otherwise make
534 unavailable or deny, a dwelling to any person on the basis of the erased
535 criminal history record information of (A) such buyer or renter, (B) a
536 person residing in or intending to reside in such dwelling after it is so

537 sold, rented or made available, or (C) any person associated with such
538 buyer or renter;

539 (2) To discriminate against any person in the terms, conditions or
540 privileges of the sale or rental of a dwelling, or in the provision of
541 services or facilities in connection therewith, on the basis of the erased
542 criminal history record information of (A) such buyer or renter, (B) a
543 person residing in or intending to reside in such dwelling after it is so
544 sold, rented or made available, or (C) any person associated with such
545 buyer or renter;

546 (3) To make, print or publish, or cause to be made, printed or
547 published any notice, statement or advertisement, with respect to the
548 sale or rental of a dwelling that indicates any preference, limitation or
549 discrimination, or to intend to make any such preference, limitation or
550 discrimination, based on the erased criminal history record information
551 of (A) a potential buyer or renter, (B) a person intending to reside in such
552 dwelling after it is sold, rented or made available, or (C) any person
553 associated with such potential buyer or renter;

554 (4) To represent to any person that any dwelling is not available for
555 inspection, sale or rental when such dwelling is in fact so available, on
556 the basis of the erased criminal history record information of (A) a
557 potential buyer or renter, (B) a person intending to reside in such
558 dwelling after it is so sold, rented or made available, or (C) any person
559 associated with such potential buyer or renter;

560 (5) For profit, to induce or attempt to induce any person to sell or rent
561 any dwelling by representations regarding the entry or prospective
562 entry into the neighborhood of a person or persons with erased criminal
563 history record information;

564 (6) For any person or other entity engaging in residential-real-estate-
565 related transactions to discriminate against any person in making
566 available such a transaction, or in the terms or conditions of such a
567 transaction, on the basis of the erased criminal history record

568 information of (A) the other party in the transaction, (B) a person
569 residing in or intending to reside in a dwelling with such other party, or
570 (C) any person associated with such other party;

571 (7) To deny any person access to or membership or participation in
572 any multiple-listing service, real estate brokers' organization or other
573 service, organization or facility relating to the business of selling or
574 renting dwellings, or to discriminate against that person in the terms or
575 conditions of such access, membership or participation, on account of
576 that person's erased criminal history record information; or

577 (8) To coerce, intimidate, threaten or interfere with any person in the
578 exercise or enjoyment of, or on account of that person having exercised
579 or enjoyed, or on account of that person having aided or encouraged
580 any other person in the exercise or enjoyment of, any right granted or
581 protected by this section.

582 (b) The provisions of this section shall not apply to (1) the rental of a
583 room or rooms in a unit in a dwelling if the owner actually maintains
584 and occupies part of such unit as the owner's residence, or (2) a unit in
585 a dwelling containing not more than four units if the owner actually
586 maintains and occupies one of such other units as the owner's residence.

587 (c) Nothing in this section limits the applicability of any reasonable
588 state statute or municipal ordinance restricting the maximum number
589 of persons permitted to occupy a dwelling.

590 (d) Nothing in this section prohibits a person engaged in the business
591 of furnishing appraisals of real property to take into consideration
592 factors other than a person's erased criminal history record.

593 Sec. 16. Section 8-265c of the general statutes is repealed and the
594 following is substituted in lieu thereof (*Effective October 1, 2020*):

595 The authority shall require that occupancy of all housing financed or
596 otherwise assisted under this chapter be open to all persons regardless

597 of race, creed, color, national origin or ancestry, sex or gender identity
598 or expression or erased criminal history record information, as defined
599 in section 12 of this act, and that the contractors and subcontractors
600 engaged in the construction or rehabilitation of such housing shall take
601 affirmative action to provide equal opportunity for employment
602 without discrimination as to race, creed, color, national origin or
603 ancestry, sex, [or] gender identity or expression or erased criminal
604 history record information.

605 Sec. 17. Section 8-315 of the general statutes is repealed and the
606 following is substituted in lieu thereof (*Effective October 1, 2020*):

607 The municipality shall take all necessary steps to insure that
608 occupancy of all housing financed or otherwise assisted pursuant to this
609 chapter be open to all persons regardless of race, creed, color, national
610 origin or ancestry, sex, gender identity or expression, age, [or] physical
611 disability or erased criminal history record information, as defined in
612 section 12 of this act.

613 Sec. 18. Section 31-51i of the general statutes is repealed and the
614 following is substituted in lieu thereof (*Effective October 1, 2020*):

615 (a) For the purposes of this section, "employer" means [any person
616 engaged in business who has one or more employees, including the state
617 or any political subdivision of the state] employer, as defined in section
618 12 of this act.

619 (b) No employer shall inquire about a prospective employee's prior
620 arrests, criminal charges or convictions on an initial employment
621 application, unless (1) the employer is required to do so by an applicable
622 state or federal law, or (2) a security or fidelity bond or an equivalent
623 bond is required for the position for which the prospective employee is
624 seeking employment.

625 (c) No employer or employer's agent, representative or designee may
626 require an employee or prospective employee to disclose the existence

627 of any [arrest, criminal charge or conviction, the records of which have
628 been erased pursuant to section 46b-146, 54-76o or 54-142a] erased
629 criminal history record information, as defined in section 12 of this act.

630 (d) An employment application form that contains any question
631 concerning the criminal history of the applicant shall contain a notice, in
632 clear and conspicuous language: (1) That the applicant is not required
633 to disclose the existence of any [arrest, criminal charge or conviction, the
634 records of which have been erased pursuant to section 46b-146, 54-76o
635 or 54-142a] erased criminal history record information, (2) that [criminal
636 records subject to erasure pursuant to section 46b-146, 54-76o or 54-142a]
637 erased criminal history record information are records pertaining to a
638 finding of delinquency or that a child was a member of a family with
639 service needs, an adjudication as a youthful offender, a criminal charge
640 that has been dismissed or nolleed, a criminal charge for which the
641 person has been found not guilty or a conviction for which the person
642 received an absolute pardon or criminal records that are erased
643 pursuant to statute or by other operation of law, and (3) that any person
644 [whose criminal records have been erased pursuant to section 46b-146,
645 54-76o or 54-142a] with erased criminal history record information shall
646 be deemed to have never been arrested within the meaning of the
647 general statutes with respect to the proceedings so erased and may so
648 swear under oath.

649 (e) No employer or employer's agent, representative or designee shall
650 deny employment to a prospective employee solely on the basis that the
651 prospective employee [had a prior arrest, criminal charge or conviction,
652 the records of which have been erased pursuant to section 46b-146, 54-
653 76o or 54-142a] has erased criminal history record information or that
654 the prospective employee had a prior conviction for which the
655 prospective employee has received a provisional pardon or certificate of
656 rehabilitation pursuant to section 54-130a, as amended by this act, or a
657 certificate of rehabilitation pursuant to section 54-108f.

658 (f) No employer or employer's agent, representative or designee shall

659 discharge, or cause to be discharged, or in any manner discriminate
660 against, any employee solely on the basis that the employee [had, prior
661 to being employed by such employer, an arrest, criminal charge or
662 conviction, the records of which have been erased pursuant to section
663 46b-146, 54-76o or 54-142a] has erased criminal history record
664 information or that the employee had, prior to being employed by such
665 employer, a prior conviction for which the employee has received a
666 provisional pardon or certificate of rehabilitation pursuant to section 54-
667 130a, as amended by this act, or a certificate of rehabilitation pursuant
668 to section 54-108f.

669 (g) The portion of an employment application form that contains
670 information concerning the criminal history record of an applicant or
671 employee shall only be available to the members of the personnel
672 department of the company, firm or corporation or, if the company, firm
673 or corporation does not have a personnel department, the person in
674 charge of employment, and to any employee or member of the
675 company, firm or corporation, or an agent of such employee or member,
676 involved in the interviewing of the applicant.

677 (h) Notwithstanding the provisions of subsection (g) of this section,
678 the portion of an employment application form that contains
679 information concerning the criminal history record of an applicant or
680 employee may be made available as necessary to persons other than
681 those specified in said subsection (g) by:

682 (1) A broker-dealer or investment adviser registered under chapter
683 672a in connection with (A) the possible or actual filing of, or the
684 collection or retention of information contained in, a form U-4 Uniform
685 Application for Securities Industry Registration or Transfer, (B) the
686 compliance responsibilities of such broker-dealer or investment adviser
687 under state or federal law, or (C) the applicable rules of self-regulatory
688 organizations promulgated in accordance with federal law;

689 (2) An insured depository institution in connection with (A) the

690 management of risks related to safety and soundness, security or
691 privacy of such institution, (B) any waiver that may possibly or actually
692 be sought by such institution pursuant to section 19 of the Federal
693 Deposit Insurance Act, 12 USC 1829(a), (C) the possible or actual
694 obtaining by such institution of any security or fidelity bond, or (D) the
695 compliance responsibilities of such institution under state or federal
696 law; and

697 (3) An insurance producer licensed under chapter 701a in connection
698 with (A) the management of risks related to security or privacy of such
699 insurance producer, or (B) the compliance responsibilities of such
700 insurance producer under state or federal law.

701 (i) (1) For the purposes of this subsection: (A) "Consumer reporting
702 agency" means any person who regularly engages, in whole or in part,
703 in the practice of assembling or preparing consumer reports for a fee,
704 which reports compile and report items of information on consumers
705 that are matters of public record and are likely to have an adverse effect
706 on a consumer's ability to obtain employment, but does not include any
707 public agency; (B) "consumer report" means any written, oral or other
708 communication of information bearing on an individual's credit
709 worthiness, credit standing, credit capacity, character, general
710 reputation, personal characteristics or mode of living; and (C) "criminal
711 matters of public record" means information obtained from the Judicial
712 Department relating to arrests, indictments, convictions, outstanding
713 judgments [L] and any other conviction information, as defined in
714 section 54-142g, as amended by this act.

715 (2) Each consumer reporting agency that issues a consumer report
716 that is used or is expected to be used for employment purposes and that
717 includes in such report criminal matters of public record concerning the
718 consumer shall:

719 (A) At the time the consumer reporting agency issues such consumer
720 report to a person other than the consumer who is the subject of the

721 report, provide the consumer who is the subject of the consumer report
722 (i) notice that the consumer reporting agency is reporting criminal
723 matters of public record, and (ii) the name and address of the person to
724 whom such consumer report is being issued;

725 (B) Maintain procedures designed to ensure that any criminal matter
726 of public record reported is complete and up-to-date as of the date the
727 consumer report is issued, which procedures shall, at a minimum,
728 conform to the requirements set forth in section 54-142e, as amended by
729 this act.

730 (3) This subsection shall not apply in the case of an agency or
731 department of the United States government seeking to obtain and use
732 a consumer report for employment purposes if the head of the agency
733 or department makes a written finding pursuant to 15 USC
734 1681b(b)(4)(A).

735 (j) An employee or prospective employee may file a complaint with
736 the Labor Commissioner alleging an employer's violation of subsection
737 (a), (c), (g), (h) or (i) of this section. For any alleged violation by an
738 employer of subsection (b), (d), (e) or (f) of this section, an employee or
739 prospective employee may file a complaint with the Commission on
740 Human Rights and Opportunities pursuant to section 46a-82 or may
741 bring an action in the Superior Court against the employer for violating
742 this section for declaratory or injunctive relief, damages or any other
743 remedy available under law, at the sole election of the employee or
744 prospective employee.

745 Sec. 19. (NEW) (*Effective October 1, 2020*) It shall be a discriminatory
746 practice under subdivision (8) of section 46a-51 of the general statutes,
747 as amended by this act: (1) For an employer or employer's agent,
748 representative or designee to discriminate against that person in
749 compensation or in terms, conditions or privileges of employment on
750 the basis of that person's erased criminal history record information, (2)
751 for any employment agency to fail or refuse to classify properly or refer

752 for employment or otherwise to discriminate against any person on the
753 basis of that person's erased criminal history record information, (3) for
754 a labor organization, on the basis of the erased criminal history record
755 information of any person, to exclude from full membership rights or to
756 expel from its membership that person or to discriminate in any way
757 against any of its members or against any employer or any individual
758 employed by an employer, or (4) for any person, employer, employment
759 agency or labor organization, to advertise employment opportunities in
760 such a manner as to restrict such employment so as to discriminate
761 against persons on the basis of their erased criminal history record
762 information.

763 Sec. 20. (NEW) (*Effective October 1, 2020*) (a) It shall be a
764 discriminatory practice under subdivision (8) of section 46a-51 of the
765 general statutes, as amended by this act, for any association, board or
766 other organization the principal purpose of which is the furtherance of
767 the professional or occupational interests of its members, whose
768 profession, trade or occupation requires a state license, to refuse to
769 accept a person as a member of such association, board or organization
770 solely on the basis of that person's erased criminal history record
771 information.

772 (b) Any association, board or other organization that violates the
773 provisions of this section shall be fined not less than one hundred
774 dollars or more than five hundred dollars.

775 Sec. 21. (NEW) (*Effective October 1, 2020*) State officials and
776 supervisory personnel shall recruit, appoint, assign, train, evaluate and
777 promote state personnel on the basis of merit and qualifications, without
778 regard for erased criminal history record information.

779 Sec. 22. (NEW) (*Effective October 1, 2020*) No state department, board
780 or agency may grant, deny or revoke the license or charter of any person
781 on the basis of that person's erased criminal history record information.

782 Sec. 23. (NEW) (*Effective October 1, 2020*) All educational, counseling

783 and vocational guidance programs and all apprenticeship and on-the-
784 job training programs of state agencies, or in which state agencies
785 participate, shall be open to all qualified persons, without regard to a
786 person's erased criminal history record information.

787 Sec. 24. (NEW) (*Effective October 1, 2020*) Erased criminal history
788 record information shall not be considered as a limiting factor in state-
789 administered programs involving the distribution of funds to qualify
790 applicants for benefits authorized by law.

791 Sec. 25. (NEW) (*Effective October 1, 2020*) All services of every state
792 agency shall be performed without discrimination on the basis of erased
793 criminal history record information.

794 Sec. 26. (NEW) (*Effective October 1, 2020*) It shall be a discriminatory
795 practice under subdivision (8) of section 46a-51 of the general statutes,
796 as amended by this act, to:

797 (1) Deny any person within the jurisdiction of this state full and equal
798 accommodations in any place of public accommodation, resort or
799 amusement on the basis of that person's erased criminal history record
800 information, subject only to the conditions and limitations established
801 by law and applicable alike to all persons; or

802 (2) Discriminate, segregate or separate on account of erased criminal
803 history record information.

804 Sec. 27. (NEW) (*Effective October 1, 2020*) It shall be a discriminatory
805 practice under subdivision (8) of section 46a-51 of the general statutes,
806 as amended by this act, for the state system of higher education to deny
807 a person the opportunity for higher education on the basis of erased
808 criminal history record information.

809 Sec. 28. Subsection (b) of section 10a-6 of the general statutes is
810 repealed and the following is substituted in lieu thereof (*Effective October*
811 *1, 2020*):

812 (b) Within the limits of authorized expenditures, the policies of the
813 state system of higher education shall be consistent with (1) the
814 following goals: (A) To ensure that no qualified person be denied the
815 opportunity for higher education on the basis of age, sex, gender
816 identity or expression, ethnic background or social, physical or
817 economic condition, or erased criminal history record information, as
818 defined in section 12 of this act, (B) to protect academic freedom, (C) to
819 provide opportunities for education and training related to the
820 economic, cultural and educational development of the state, (D) to
821 assure the fullest possible use of available resources in public and
822 private institutions of higher education, (E) to maintain standards of
823 quality ensuring a position of national leadership for state institutions
824 of higher education, (F) to apply the resources of higher education to the
825 problems of society, and (G) to foster flexibility in the policies and
826 institutions of higher education to enable the system to respond to
827 changes in the economy, society, technology and student interests; and
828 (2) the goals for higher education in the state identified in section 10a-
829 11c. Said board shall review recent studies of the need for higher
830 education services, with special attention to those completed pursuant
831 to legislative action, and to meet such needs shall initiate additional
832 programs or services through one or more of the constituent units.

833 Sec. 29. (NEW) (*Effective October 1, 2020*) It shall be a discriminatory
834 practice under subdivision (8) of section 46a-51 of the general statutes,
835 as amended by this act, for any creditor to discriminate on the basis of
836 expunged criminal record history information, against any person
837 eighteen years of age or over in any credit transaction.

838 Sec. 30. Section 38a-358 of the general statutes is repealed and the
839 following is substituted in lieu thereof (*Effective October 1, 2020*):

840 The declination, cancellation or nonrenewal of a policy for private
841 passenger nonfleet automobile insurance is prohibited if the declination,
842 cancellation or nonrenewal is based: (1) On the race, religion, nationality
843 or ethnicity of the applicant or named insured; (2) solely on the lawful

844 occupation or profession of the applicant or named insured, except that
845 this provision shall not apply to any insurer which limits its market to
846 one lawful occupation or profession or to several related lawful
847 occupations or professions; (3) on the principal location of the insured
848 motor vehicle unless such decision is for a business purpose which is
849 not a mere pretext for unfair discrimination; (4) solely on the age, sex,
850 gender identity or expression, [or] marital status or erased criminal
851 history record information, as defined in section 12 of this act, of an
852 applicant or an insured, except that this subdivision shall not apply to
853 an insurer in an insurer group if one or more other insurers in the group
854 would not decline an application for essentially similar coverage based
855 upon such reasons; (5) on the fact that the applicant or named insured
856 previously obtained insurance coverage through a residual market; (6)
857 on the fact that another insurer previously declined to insure the
858 applicant or terminated an existing policy in which the applicant was
859 the named insured; (7) the first or second accident within the current
860 experience period in relation to which the applicant or insured was not
861 convicted of a moving traffic violation and was not at fault; or (8) solely
862 on information contained in an insured's or applicant's credit history or
863 credit rating or solely on an applicant's lack of credit history. For the
864 purposes of subdivision (8) of this section, an insurer shall not be
865 deemed to have declined, cancelled or nonrenewed a policy if coverage
866 is available through an affiliated insurer.

867 Sec. 31. Section 38a-447 of the general statutes is repealed and the
868 following is substituted in lieu thereof (*Effective October 1, 2020*):

869 No life insurance company doing business in this state may: (1) Make
870 any distinction or discrimination between persons on the basis of race
871 or erased criminal history record information, as defined in section 12
872 of this act, as to the premiums or rates charged for policies upon the
873 lives of such persons; (2) demand or require greater premiums from
874 persons of one race than such as are at that time required by that
875 company from persons of another race of the same age, sex, general
876 condition of health and hope of longevity; (3) demand or require greater

877 premiums from persons with erased criminal history record
878 information than such as are at that time required by that company from
879 persons without erased criminal history record information of the same
880 age, sex, general conditions of health and hope of longevity; or [(3)] (4)
881 make or require any rebate, diminution or discount on the basis of race
882 or erased criminal history record information upon the sum to be paid
883 on any policy in case of the death of any person insured, nor insert in
884 the policy any condition, nor make any stipulation whereby such person
885 insured shall bind himself, his heirs, executors, administrators or
886 assigns to accept any sum less than the full value or amount of such
887 policy, in case of a claim accruing thereon by reason of the death of such
888 person insured, other than such as are imposed upon all persons in
889 similar cases; and each such stipulation or condition so made or inserted
890 shall be void.

891 Sec. 32. Section 46a-74 of the general statutes is repealed and the
892 following is substituted in lieu thereof (*Effective October 1, 2020*):

893 No state department, board or agency may permit any
894 discriminatory practice in violation of section 46a-59, 46a-64, [or] 46a-
895 64c or section 14, 15, 18, 19, 20, 27 or 29 of this act.

896 Sec. 33. Section 46a-79 of the general statutes is repealed and the
897 following is substituted in lieu thereof (*Effective October 1, 2020*):

898 The General Assembly finds that the public is best protected when
899 criminal offenders are rehabilitated and returned to society prepared to
900 take their places as productive citizens and that the ability of returned
901 offenders to find meaningful employment is directly related to their
902 normal functioning in the community. It is therefore the policy of this
903 state to encourage all employers to give favorable consideration to
904 providing jobs to qualified individuals, including those who may have
905 [criminal conviction records] conviction information, as defined in
906 section 54-142g, as amended by this act. Nothing in this section shall be
907 construed to permit any employer to refuse to hire or employ or to bar

908 or to discharge from employment or to discriminate against an
909 individual in compensation or in terms on the basis of that person's
910 erased criminal history record information, as defined in section 12 of
911 this act.

912 Sec. 34. Section 46a-80 of the general statutes is repealed and the
913 following is substituted in lieu thereof (*Effective October 1, 2020*):

914 (a) Except as provided in subsection (c) of this section, subsection (b)
915 of section 46a-81 and section 36a-489, and notwithstanding any other
916 provisions of law to the contrary, a person shall not be disqualified from
917 employment by the state or any of its agencies, nor shall a person be
918 disqualified to practice, pursue or engage in any occupation, trade,
919 vocation, profession or business for which a license, permit, certificate
920 or registration is required to be issued by the state or any of its agencies
921 solely [because of a prior conviction of a crime] on the basis of that
922 person's conviction information, as defined in section 54-142g, as
923 amended by this act.

924 (b) Except for a position for which any provision of the general
925 statutes specifically disqualifies a person from employment by the state
926 or any of its agencies [because of a prior conviction of a crime] on the
927 basis of that person's conviction information, no employer, as defined in
928 section [5-270] 12 of this act, shall inquire about a prospective
929 employee's [past convictions] conviction information until such
930 prospective employee has been deemed otherwise qualified for the
931 position in accordance with the provisions of section 31-51i, as amended
932 by this act.

933 (c) A person may be denied employment by the state or any of its
934 agencies, or a person may be denied a license, permit, certificate or
935 registration to pursue, practice or engage in an occupation, trade,
936 vocation, profession or business [by reason of the prior conviction of a
937 crime] on the basis of that person's conviction information if, after
938 considering (1) the nature of the crime and its relationship to the job for

939 which the person has applied; (2) information pertaining to the degree
940 of rehabilitation of the convicted person; and (3) the time elapsed since
941 the conviction or release, the state or any of its agencies determines that
942 the applicant is not suitable for the position of employment sought or
943 the specific occupation, trade, vocation, profession or business for which
944 the license, permit, certificate or registration is sought. In making a
945 determination under this subsection, the state or any of its agencies shall
946 give consideration to a provisional pardon issued pursuant to section
947 54-130e, or a certificate of rehabilitation issued pursuant to section 54-
948 108f or 54-130e, and such provisional pardon or certificate of
949 rehabilitation shall establish a presumption that such applicant has been
950 rehabilitated. If an application is denied based on [a] conviction
951 information for which the applicant has received a provisional pardon
952 or certificate of rehabilitation, the state or any of its agencies, as the case
953 may be, shall provide a written statement to the applicant of its reasons
954 for such denial.

955 (d) If [a conviction of a crime] conviction information is used as a
956 basis for rejection of an applicant, such rejection shall be in writing and
957 specifically state the evidence presented and reasons for rejection. A
958 copy of such rejection shall be sent by registered mail to the applicant.

959 (e) In no case may [records of arrest, which are not followed by a
960 conviction, or records of convictions, which have been erased] erased
961 criminal history record information, as defined in section 12 of this act,
962 nonconviction information, as defined in 54-142g, as amended by this
963 act, or criminal history record information, as defined in 54-142g, as
964 amended by this act, apart from conviction information, be used,
965 distributed or disseminated by the state or any of its agencies in
966 connection with an application for employment or for a permit, license,
967 certificate or registration.

968 (f) Nothing in this section shall permit any employer to discriminate
969 on the basis of erased criminal history record information in violation of
970 section 31-51i, as amended by this act, or section 20 of this act.

971 Sec. 35. Subsection (a) of section 46a-81 of the general statutes is
972 repealed and the following is substituted in lieu thereof (*Effective October*
973 *1, 2020*):

974 (a) Except as provided in section 36a-489, the provisions of sections
975 46a-79 to 46a-81, inclusive, as amended by this act, shall prevail over any
976 other provisions of law which purport to govern the denial of licenses,
977 permits, certificates, registrations, or other means to engage in an
978 occupation, trade, vocation, business or profession, on the grounds of a
979 lack of good moral character, or which purport to govern the suspension
980 or revocation of a license, permit, certificate or registration on the
981 grounds of conviction [of a crime] information, as defined in section 54-
982 142g, as amended by this act.

983 Sec. 36. Subsection (b) of section 54-142g of the general statutes is
984 repealed and the following is substituted in lieu thereof (*Effective October*
985 *1, 2020*):

986 (b) "Criminal justice agency" means any court with criminal
987 jurisdiction, the Department of Motor Vehicles or any other
988 governmental agency created by statute which is authorized by law and
989 engages, in fact, as its principal function in activities constituting the
990 administration of criminal justice, including, but not limited to,
991 organized municipal police departments, the Division of Criminal
992 Justice, the Department of Emergency Services and Public Protection,
993 including the Division of State Police, the Department of Correction, the
994 Court Support Services Division, the Office of Policy and Management,
995 the state's attorneys, assistant state's attorneys and deputy assistant
996 state's attorneys, the Board of Pardons and Paroles, the Chief Medical
997 Examiner and the Office of the Victim Advocate. "Criminal justice
998 agency" includes any component of a public, noncriminal justice agency
999 if such component is created by statute and is authorized by law and, in
1000 fact, engages in activities constituting the administration of criminal
1001 justice as its principal function.

1002 Sec. 37. Section 52-180b of the general statutes is repealed and the
 1003 following is substituted in lieu thereof (*Effective October 1, 2020*):

1004 There shall be a rebuttable presumption against admission of
 1005 evidence of the prior criminal conviction of an applicant or employee in
 1006 an action alleging that an employer has been negligent in hiring an
 1007 applicant or retaining an employee, or in supervising the employer's
 1008 agent, representative or designee with respect to hiring an applicant or
 1009 retaining an employee, if the applicant or employee held a valid
 1010 provisional pardon or certificate of rehabilitation at the time such
 1011 alleged negligence occurred and a party establishes, by a preponderance
 1012 of the evidence, that the employer knew that the applicant or employee
 1013 held a valid provisional pardon or certificate of rehabilitation at the time
 1014 such alleged negligence occurred. For the purposes of this section,
 1015 "employer" has the same meaning as provided in section [31-51i] 12 of
 1016 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	54-124a(l)
Sec. 2	<i>October 1, 2020</i>	54-130a
Sec. 3	<i>October 1, 2021</i>	54-142a
Sec. 4	<i>October 1, 2020</i>	54-142d
Sec. 5	<i>October 1, 2021</i>	New section
Sec. 6	<i>October 1, 2020</i>	54-142e
Sec. 7	<i>July 1, 2020</i>	29-11(c)
Sec. 8	<i>from passage</i>	18-82
Sec. 9	<i>July 1, 2020</i>	New section
Sec. 10	<i>October 1, 2021</i>	54-142e(a)
Sec. 11	<i>October 1, 2021</i>	54-142k(d)
Sec. 12	<i>October 1, 2020</i>	New section
Sec. 13	<i>October 1, 2020</i>	46a-51(7) and (8)
Sec. 14	<i>October 1, 2020</i>	New section
Sec. 15	<i>October 1, 2020</i>	New section
Sec. 16	<i>October 1, 2020</i>	8-265c
Sec. 17	<i>October 1, 2020</i>	8-315

Sec. 18	<i>October 1, 2020</i>	31-51i
Sec. 19	<i>October 1, 2020</i>	New section
Sec. 20	<i>October 1, 2020</i>	New section
Sec. 21	<i>October 1, 2020</i>	New section
Sec. 22	<i>October 1, 2020</i>	New section
Sec. 23	<i>October 1, 2020</i>	New section
Sec. 24	<i>October 1, 2020</i>	New section
Sec. 25	<i>October 1, 2020</i>	New section
Sec. 26	<i>October 1, 2020</i>	New section
Sec. 27	<i>October 1, 2020</i>	New section
Sec. 28	<i>October 1, 2020</i>	10a-6(b)
Sec. 29	<i>October 1, 2020</i>	New section
Sec. 30	<i>October 1, 2020</i>	38a-358
Sec. 31	<i>October 1, 2020</i>	38a-447
Sec. 32	<i>October 1, 2020</i>	46a-74
Sec. 33	<i>October 1, 2020</i>	46a-79
Sec. 34	<i>October 1, 2020</i>	46a-80
Sec. 35	<i>October 1, 2020</i>	46a-81(a)
Sec. 36	<i>October 1, 2020</i>	54-142g(b)
Sec. 37	<i>October 1, 2020</i>	52-180b

Statement of Purpose:

To (1) require certain training to members of the Board of Pardons and Paroles and to require the board to provide a written explanation when denying a pardon, to streamline record erasure in the case of misdemeanors and certain felonies, (2) waive certain fees for applicants for a pardon, (3) allow for appointment of a deputy warden to serve as director of reentry services, (4) establish a reentry employment advisory committee, and (5) prohibit discrimination against a person based on such person's erased criminal history record information.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]